

Social Work/Maatskaplike Werk Vol 52 No 1; Issue 5<http://socialwork.journals.ac.za/pub>doi:<http://dx.doi.org/10.15270/52-1-480>**CHALLENGES FACED BY UNACCOMPANIED MINOR-REFUGEES IN SOUTH AFRICA****Lungile Magqibelo, Marcel Londt, Shiron September, Nicolette Roman**

This qualitative study explored the experiences of unaccompanied minor-refugees from Zimbabwe to South Africa. Ten (10) participants, from a shelter in Limpopo Province, were selected using purposive sampling. Five childcare workers also participated. Semi-structured interviews were conducted with the minors and a focus group with the childcare workers to collect the data. Thematic analysis was applied for data analysis. The findings revealed that services by statutory social workers were limited, compared to services by social workers employed in non-governmental organisations. The results highlighted the vulnerability to exploitation and a sense of hopelessness that refugee children experience in South Africa.

L Magqibelo, M Londt, & NV Roman.

Department of Social Work, University of the Western Cape, Private Bag X17, Bellville, 7353

mlondt@uwc.ac.za

CHALLENGES FACED BY UNACCOMPANIED MINOR-REFUGEES IN SOUTH AFRICA

Lungile Magqibelo, Marcel Londt, Shiron September, Nicolette Roman

INTRODUCTION

It is commonly agreed that the most basic principle in all child care and protection remedies is the commitment to the principle of the “best interests of the child”. This assumes that an unaccompanied child who enters another country for whatever reason must be provided with the most effective protection and assistance to ensure that his/her rights are protected (RSA NPAC, 2012). The rights referred to are those stipulated in the United Nation’s Convention on the Rights of the Child (UNCRC, 1989), and more specifically, article 3 of the Guidelines on Policies and Procedures in dealing with unaccompanied children, seeking asylum (UNHCR, 1997:121), which emphasises the importance of the obligations placed on all public or private social welfare institutions, courts of law, administrative authorities and legislative bodies to ensure that the principle of the “best interests of the child” remains a priority.

Unaccompanied minors are defined in the abovementioned Guidelines (UNHCR, 1997) as children who are under the age of 18 (unless, under the law applicable to the child, majority is attained earlier), are separated from both parents and are not being cared for by an adult, who, by law or custom, has the responsibility to do so. In the light of this definition, and considering the main principles reflected in legislative instruments that preserve the dignity of children and ensure their protection and care, it is natural to assume that all is well with children who enter another country without their parents or a significant carer. On the contrary, despite these agreements, many children who enter foreign countries seeking safety and a better quality of life are not necessarily afforded the protection and safeguarding, in their best interests, by the countries they enter.

In response to violence, many are forced to flee their countries of origin in search of safety (UNHCR, 2015). Sturm, Moro and Baubet (2012:210) assert that about 50 000 unaccompanied minors entered Europe in 2011, forming part of the estimated 19.2 million refugees and displaced people worldwide, of whom almost fifty per cent are children, as confirmed in the UNHCR Annual Reports presented internationally (UNHCR, 2015). An Italian research study by Pittau, Ricci and Idliko Timsa (2009:7) concurred that these minors come from the periphery of the world economic system with diverse needs and heightened vulnerability.

A recent UN Global Report (UNHCR, 2015) stated that approximately 65 000 refugees are in South Africa, and the countries they originate from include the Democratic Republic of Congo, Somalia, Burundi, Ethiopia and Zimbabwe. Because of political unrest and civil wars, many refugees enter South Africa seeking asylum. It is estimated that 50% of these refugees are children, some of whom are unaccompanied (UNHCR, 2015). However, the exact number of children who enter South Africa daily is undetermined (Vearey & Nunez, 2011). Crisp and Kiragu (2009:8) also caution that this

situation is further complicated by the nature of the southward movement, which straddles the traditional distinction between the flight of people escaping from armed conflict and political violence, and the natural migration of people in search of better livelihoods.

As a result of the influx of unaccompanied minor-refugees, South African social services professionals are under immense pressure to ensure that unaccompanied refugee children are protected. Social services to these children, however, are multi-sectoral, which means that they are an initiative of both government and non-governmental organisations (NGOs). There are many NGOs that respond to the plight of minor-refugees; some are faith-based and others community-based – some registered and others not. They evidently render sterling services; however, their contribution does not fall within the ambit of this study.

Fritch, Johnson and Juska (2009), assert that approximately 1 500 unaccompanied minor-refugees from Zimbabwe are resident in Messina (Musina), Limpopo Province. Seventy (70) per cent of these refugees are boys, with 25 per cent of them having travelled alone or with a sibling. Estimates for girls could not be confirmed as there is an assumption that these girls would either be engaged in domestic or sex work (Elphick & Amit, 2012). The literature is unclear whether these minor-refugees are on the streets, with NGOs or residing with philanthropic individuals or organisations.

There are several legislative frameworks to ensure that unaccompanied minor refugees have access to the most basic human rights. These frameworks include regional, national and international declarations pertaining to children, for instance, the United Nations Convention on the Rights of the Child (UNCRC) (1989), the African Charter on the Rights and Welfare of the Child (ACRWC) (1990), and the Children's Act (Act 38 of 2005) as amended by Children's Amendment Act (Act 41 of 2007). South Africa has ratified several international treaties and conventions, such as the CRC (1989) and the ACRWC (1990), which serve as guiding frameworks on how refugee children should be treated, when they seek asylum in this country. Article 3 of the ACRWC (1990) stipulates that children are entitled to the rights and freedom stipulated in this Charter "irrespective of the child's, the parents' or legal guardians' race, ethnic group, colour, sex, language, relation, political or other opinion, national and social origin, fortune, birth or other status".

There is, therefore, legislative consensus that no child should be treated unfairly, especially since these refugee children enter a strange country in the hope of a better life. It is further emphasised that all unaccompanied children within a country should be able to access social services, job opportunities, education and other basic services (King, 2013:332; UNCRC, 1989). The rights of all children in South Africa, including those of unaccompanied refugee children, are specifically highlighted in Section 28 of the Constitution of the Republic of South Africa (Act 108 of 1996).

The most recent report by the UNHCR (2015) highlights that South Africa's national legislation incorporates the basic principles of refugee protection, which includes freedom of movement, the right to work and access to basic social services; yet many

public institutions do not recognise refugee permits, thus preventing refugees from fully exercising these rights.

CHALLENGES FACING UNACCOMPANIED MINOR-REFUGEES

Although adults and children leave their country of origin for different reasons, once they set out on this difficult journey, they are confronted with challenges that include the lack of access to adequate food, water and shelter; the risk of harassment, robbery, extortion and exploitation; and the possibility of becoming stranded and destitute in a foreign country (Crisp & Kiragu, 2009). While these factors would place any person at risk, the risk for unaccompanied minor-refugees is considerably increased. Although there are laws to protect *all* children, both internationally and in South Africa, these protection instruments may not necessarily filter through to unaccompanied minor-refugees and this may thus have multiple negative consequences.

Seglem, Oppedal and Raeder (2011) found that even though unaccompanied minors were resettled in a new country, the children were considered a high-risk group for mental health problems. Sturm *et al.* (2012) also confirm that over the last decade most of the literature and studies show that unaccompanied minors demonstrate specific vulnerabilities. It is evident that many of these vulnerabilities may be attributed to their prior experiences, which include armed conflict and violence, such as torture, detention, separation from significant support systems or sexual violence (Derluyn, Mels & Broekaert, 2009:295; Hillier, 2007). This study therefore explored the experiences of unaccompanied minor-refugees living in South Africa.

Unaccompanied minors and refugee children from Africa had specifically fled from their war-torn countries to South Africa with hopeful aspirations of sharing the dream of democracy and human rights. Hillier (2007) asserts that the challenges faced by these children on their journeys out of their countries of origin include exploitation (sexual and non-sexual) by truck drivers, border officials and police officers, who are initially viewed as their protectors. Fritsch *et al.* (2009) concur and refer to accounts by refugees and children who reported that their maltreatment and exploitation by officials and police officers often began at the border posts. Van der Burg (2005:8) also highlights the point that unaccompanied minors also experience the following difficulties upon their arrival in South Africa: language barriers, insecurity, inadequate housing and problems with integration into schools as they are perceived to be “different” from the local population. They might also be denied access to social services and legal documentation.

THE DILEMMA OF “CHILD PROTECTION” OR “PROTECTED REFUGEE” CHILDREN

Access to social services is mostly determined by access to legal documentation in the form of asylum papers. When a refugee child seeks asylum, it is the responsibility of the state to ensure that such a child has access to all the necessary services for his/her survival and development (Dutschke, 2007). But access to social work services remains a challenge. While waiting for social work services, these children do not possess South African documentation, despite the provisions set out in the legislative frameworks, and

they are therefore unable to receive the necessary care. Although this paper draws on the experiences of unaccompanied minors in South Africa, the growing problem, internationally, is raising awareness about the importance of the political will of countries to ensure that all their departments provide unaccompanied minors and all refugee children with the necessary services (UNHCR, 2015).

In 2009 new guidelines on services for separated and unaccompanied children outside their country of origin in South Africa were developed by the National Department of Social Development (Mirugi-Mukundi, 2009). These guidelines make provision for these children to be placed in alternative care, should family reunification be unachievable. The guidelines further state that the Children's Court should make an alternative care order, which could include a foster care family, placement in community-based cluster foster care, supervised independent living (in the case of older children) and placement in child and youth care centres. The new national plan of action for children in South Africa (RSA NPAC, 2012) makes a renewed commitment to ensure that all these obligations are met.

“BEST INTERESTS OF THE CHILD” PRINCIPLE – EVIDENT IN THE ACCESS TO LEGAL DOCUMENTATION

Unaccompanied minor-refugees often experience difficulty in obtaining the necessary legal documentation in order to access services. “Legal documentation” refers to documents that unaccompanied minor-refugees require in order to obtain asylum status in South Africa (Van der Burg, 2005). The provision of documentation to unaccompanied minor-refugees falls within the ambit of the Department of Home Affairs. The application for documentation by unaccompanied minor-refugees should be done in accordance with the South African Refugees Act (Act 130 of 1998). Section 32(1) of the Act stipulates “that any child, who appears to qualify for refugee status in terms of Section 3, and who is found under circumstances which clearly indicate that he or she is in need of care, as contemplated in the Children's Act (Act 38 of 2005) as amended, must forthwith be brought to the Children's Court for the district in which he or she was found”. Section 32(1) of the Act further stipulates that the Children's Court may order that a child be assisted in applying for asylum. Onuoha (2006:111) explains that there are often difficulties in accessing some of the statutory rights provided. The inability, therefore, to obtain proper documents from the Department of Home Affairs has left many refugees and asylum seekers vulnerable, thereby violating their rights.

Many countries have not adequately developed a comprehensive approach to the needs of unaccompanied minors. South Africa, however, demonstrates the will to respond to the needs of these minors and has in place some protocols and mechanisms to ensure that unaccompanied minors have access to the appropriate documentation (Sturm *et al.*, 2012; UNHCR, 2015). King (2013) strongly advocates for the legal representation and support of all unaccompanied minors and refugee children who enter the United States of America.

EDUCATIONAL ACCESS AND SEEKING REFUGE OR ASYLUM

Internationally, as in South Africa, there is consensus on articles 28 and 29 of the UNCRC (1989) which declares that “each child has the right to education. The goal is free and compulsory education, secondary education (general or vocational) available to all, and higher education on the basis of capacity”. The South African Constitution (Act 108 of 1996) as well as the South African Schools Act (Act 84 of 1996) provide further strengthening of this commitment in section 39 (3), which clarifies “equitable criteria and procedures for the total, partial or conditional exemption of parents, who are unable to pay school fees”. This legislation makes schooling compulsory for all children in South Africa between the ages of 7 and 15, or until they have completed Grade 9. It also makes allowance for free school attendance for those who cannot afford to pay the school fees. Save the Children UK (2007) found that many refugee children were attracted to South Africa because of the educational opportunities. However, without the relevant legal documentation, they cannot enrol in schools, do not have transport and cannot afford the school fees.

According to a submission made by Lawyers for Human Rights and the Consortium for Refugees and Migrants in South Africa (LHR/CoRMSA, 2010) to the Portfolio Committee on Basic Education, twenty-four per cent (24%) of school-age children who were asylum seekers were not in school. They had evidently been turned away from schools (i.e. denied education) and subjected to various forms of xenophobia from children and staff. These were among the many challenges that unaccompanied minor children experienced in South Africa.

THE RESETTLEMENT PROCESS

An ethnographic study conducted with refugee families by Fantino and Colak (2001) found that families needed assistance mostly with the resettlement process. The support often included language translation services, help in locating permanent housing, access to English-language classes, community orientation, referrals to health and social services and other services. Furthermore, refugee children needed assistance with identity formation in having to integrate their national, racial and ethnic identity in their new setting (Hagelskamp, Suárez-Orozco & Hughes, 2010, cited in Fantino & Colak, 2001); adaptation to the new setting, which entailed dismissing some customs and beliefs from their cultural background and focusing on the integration of the customs and beliefs of their new setting (Erikson, 1980, cited in Fantino & Colak, 2001); and psychological services, such as grief and trauma counselling.

RESEARCH METHODOLOGY

This study used a qualitative methodological approach to explore and understand the experiences of unaccompanied minor-refugees who leave their country of origin to seek safety, protection or achieve identified aspirations for a better future.

Participants

Purposive sampling was used to recruit participants for this study, which was conducted at a shelter in Polokwane, Limpopo Province, South Africa. This shelter housed 39

unaccompanied minors, who were invited to voluntarily participate in the study. Ten (10) of them, aged between 16 and 18 years of age, of whom nine were male and one female, were willing to participate. They had arrived in South Africa between November 2006 and September 2009. Five (5) child care workers also agreed to participate in the study. They were employed as child care officers at the research sites and tasked with providing residential care services to the unaccompanied minors. Residential care included overseeing the children and their safety in a residential facility for youths. The child care workers were African males between the ages of 28 and 36 years of age, in the full-time employment at the shelter, which provided residential care to the unaccompanied minors.

Ethical considerations

Permission to conduct the study was granted by the Senate Ethics Committee at the University of the Western Cape, as well as the management of the study research facility. The purpose of the study, the research process and the ethical aspects of the study were explained to all the participants, who were also advised about their participatory rights: to refuse participation; to withdraw at any time without any consequences; confidentiality and anonymity; access to trauma debriefing (if and when required); informed consent and written consent for audio recording of the interviews. Ethical obligations and legal responsibilities were adhered to, ensuring that every participant was protected and fully informed of their participation in the study.

Data collection

The interviews were scheduled for at least 45 minutes, but were terminated when the information became saturated. Individual, semi-structured interviews were conducted with the 10 minor-refugee participants and open-ended questions were used. The interviews were audio-taped or noted in writing, as some of the participants were uncomfortable with the recording. Only three participants permitted audio-taping, while the rest refused for fear of victimisation from staff members of the facility should they gain access to the tape recordings. Despite reassuring the participants that all information would be kept confidential, they still declined. Detailed notes were taken from interviews with the seven (7) participants who refused to be audio-taped. At the end of each interview the participants were given an opportunity to add any additional information.

A focus group discussion was conducted with the five care workers to supplement the data collected from the minor-refugee participants. These caregivers were trained in basic child care modules and complied with the basic qualifications stipulated by the National Association of Child Care Work to ensure that those tasked with caring for youths in facilities are suitably trained and equipped. The aim of the focus group was to validate information gained from the minors, who shared their experiences after arriving in South Africa. The focus group lasted 90 minutes. All questions were based on themes emanating from the research questions.

Data analysis

A thematic analysis (Mack, Woodsong, MacQueen, Guest & Namey, 2005) was used to extract the main themes from the data. The following steps were implemented:

- the field notes were prepared and transcribed in order to understand the words of the participants;
- theme identification was applied to the data collected, as it related to the research question;
- the data were coded;
- more elaboration of the themes – examining them more closely to identify similar themes, and grouping them together to add depth and avoid repetition; and
- reflecting on the understanding and interpretation of the data collected.

FINDINGS AND DISCUSSION

Although several additional themes and sub-themes could have been extracted from the findings, the writer focused on the following themes only, as further elaboration will be addressed in a subsequent publication. Five themes were identified as relevant to this study:

- Theme 1: Reasons for leaving country of origin;
- Theme 2: Experiences en route and on arrival;
- Theme 3: Access to services and education;
- Theme 4: Lack of training of care workers.
- Theme 5: Hope for a better future.

Theme 1: Reasons for leaving country of origin

The reasons provided for leaving their country of origin included **push** and **pull** factors. **Push factors** related to circumstances such as poverty, abuse, political unrest and lack of educational opportunities. These findings support previous studies conducted by Hillier (2007) and Bobb (2009), who describe push factors as those circumstances that led to children leaving their countries of origin/birth, such as political unrest, poverty, hunger, lack of education and the death of a parent. Other factors such as HIV and AIDS were perceived to be contributing push factors.

At least 80% of the participants left their country of origin because they had been exposed to abuse and exploitation. One of the participants said:

“People in Zimbabwe used to treat me as a slave. People in the community used me to work for them without giving me money. They were giving me food and some clothes they don’t want. I can see now that things are better because I now go to school” [P4].

Another participant said:

“I came to South Africa, because my uncle physically abused me. I came to South Africa because I wanted to be protected. I am now happy and I am going to school.” [P3]

The findings of this study also established that some of the children had been exposed to trauma, such as witnessing the murder their parents, or being abused by close family members. Okitikpi and Aymer (2003), state that refugee children experience psychological problems such as anxiety, depression and uncertainty about whether asylum or refugee status would be granted, especially after having experienced the trauma.

Pull factors, on the other hand, are explained as the hope of living better lives in South Africa – better job opportunities, education, care and protection provided by the South African government. Watters (2007) also confirms that refugees seek asylum in other countries in the hope of better lives – good economic prospects, safety and protection, stronger currencies, work opportunities and the possibility of education.

Here are some of the reasons for leaving their countries of origin:

“I can say I am an artist because I can write films, soapies, drama and I can even write a book. I thought my coming to South Africa would be a breakthrough, in fact I am hoping to achieve a fortune. I believed that South Africa can make my dreams come true because it’s one of the developed countries in Africa.” [P6]

“I left Zimbabwe to come to South Africa in order to find work. My father died and my mother was sick and she could not work. I had to come here to seek for jobs so that I can support my family.”[P9]

“When I came to South Africa I was hoping to get someone who would take care of me, someone who would take me to school and also to get money to send home.” [P7]

Theme 2: Experiences en route and on arrival

The participants reported that they encountered various challenges en route and on arrival in South Africa. They indicated that they experienced xenophobic comments both at school and in the shelter where they were currently residing. One of the participants mentioned that some of the staff members in the facility would make comments like:

“The food here is not for you Zimbabweans. This food is for South Africans. We are doing you a favour by giving you food. Those things make me feel hurt.” [P2]

Five (5) out of 10 participants indicated that their fellow classmates were tolerant towards them, while the rest indicated differently. They stated that some learners would make comments like:

“You are the son of Mugabe and you are too dark; and Shangaans. When they make such comments, I just keep quiet and sometimes ignore them because I got nothing to lose.” [P5]

In certain South African black communities a person who is very dark of complexion is referred to as “a Shangaan” because of the perception that Shangaan people are very dark of complexion. The Shangaan community is a large group of people living mainly in southern Mozambique, in Maputo and the Gaza Province.

The participants’ views on how they were treated by classmates at school and friends in the community ranged from one extreme to the other. They mentioned the following:

“I wish I can be a South African so that other learners can stop calling me names.” [P1]

“I don’t have any problems at school. My friends and teacher are treating me well.” [P7]

“Actually the students at school they are very nice. I can commend them. They are not criticising me. I think they understand me. What I like, they don’t even hate me. Most of the teachers understand the situation. One of the teachers once bought us covers for our books. It’s something which shows that these people care for us. They make us feel that we have a sense of belonging.” [P6]

“Sometimes we experience discrimination here at this place. Sometimes we are told to go back to the streets.” [P3]

The care workers admitted that there was a level of animosity between South African and Zimbabwean children who stayed at the shelter; however, they tried their best to maintain peace among the children.

According to a research study conducted by Onuoha (2006), South Africa has complied with international law and standards in developing a legal policy framework for refugee protection. However, it has failed to achieve a creditable implementation process that meets the international standards, which has consequently been detrimental to the protection of refugees and asylum seekers in South Africa. The reasons for this failure include maladministration, corruption, xenophobia and the lack of service delivery.

Another challenge that the minor-refugees faced was homelessness. They reported that they had come to South Africa without knowing anyone and, as a result, had ended up being homeless. Furthermore, they had spent approximately two years on the street before being admitted to the shelter.

“I stayed on the streets for one year six months after my arrival in South Africa in July 2008. I was staying in Messina for three months and I moved to Louis Trichardt for another three months and later moved to Polokwane where I spent most of the time on the streets until I got a place in the shelter.” [P2]

While the experience of homelessness was daunting, with cold weather conditions and the lack of safety, some participants reported that life on the streets sometimes felt better than the discrimination they experienced from children and staff members alike at the facility.

“If you are a Zimbabwean child and you report something about a South African child or staff, it gets twisted. They make you feel like you [are] the one

who did something wrong. Nobody listens to you here, I gave up and I can't report anything to anyone. I wish social workers come here one day and see children and listen to their individual needs." [P7]

Huszar, Sianni, Barna and Somogyi (2010) state that homelessness for refugees can be the result of the lack of opportunities for family reunification and a perceived lack of employment opportunities. Bobb (2009) emphasises that upon arrival in the country of asylum, life takes a different turn for unaccompanied minor-refugees. The reality is that many end up homeless and on the streets, which consequently leads to involvement in criminal activity. At least 20% of the participants were involved in criminal activities; however, they were also victims of crime on their way to South Africa. In her study Hoosain (2007) found that some of the children were involved in illegal activities and were also exploited by adults in their community of origin.

Section 28(1)(c) of the Constitution of the Republic of South Africa Act (Act 108 of 1996) states that "every child has a right to basic nutrition, shelter, basic health care services and social services". This has not always been the case for refugee children, since they have had to resort to alternative measures to barely survive. Some children indicated that they had often resorted to going through dumping bins just in order to get something to eat. The research by Save the Children UK (2010) also reported the susceptibility of unaccompanied refugee children to becoming involved in criminal activities, either directly or indirectly. The report further indicated that some of the children entering South Africa had on occasion bribed informal guides to help them cross the border, which constitutes a criminal act.

Theme 3: Access to services and education

The Office of the United Nations High Commissioner on Refugees (UNHCR) (1997) has set out guidelines on how unaccompanied children should be treated when they are seeking asylum in another country, but the experiences of refugee children in South Africa indicate that may not necessarily correspond to these guidelines. Some participants reported that they had gained entry into South Africa via the Limpopo River, as opposed to the Beit Bridge Border post between South Africa and Zimbabwe. They were therefore unaccounted for as unaccompanied minor-refugees, because they had not been identified by the proper authorities. The reason cited for not following the proper route was that they were seeking entry on the basis of *pull factors* rather than *push factors*. Some of the participants indicated that they entered the country in the following ways:

"I got a lift with a truck from Zimbabwe to Beit Bridge. From Beit Bridge I had to walk across Limpopo River to Messina." [P10]

"I travelled with the train from Bulawayo to Beit Bridge. From Beit Bridge I had to walk across Limpopo River to Messina." [P7]

"I just cross Limpopo River. From Zimbabwe we used a bus, when we reach Beit Bridge we started walking to Messina." [P5]

Another issue that emerged was the way in which the children obtained their asylum status and valid documentation. Five (5) of the 10 participants in this study indicated that they had obtained their asylum papers on their own (the others had been assisted by strangers), while staying in Messina. Those who had obtained their own documents indicated that they did not experience any difficulties because they were only given affidavits to complete and received their papers on the same day. The Standard Operating Procedures (SOP) of the Department of Home Affairs clearly indicate that “minors should not have to queue, and should be treated as a priority, as their vulnerability is taken into consideration”. However, some participants reported that they were often harassed by police officials who threatened them with deportation if they did not have any documentation.

Five (5) participants indicated that they had stayed in Messina for at least three months without obtaining legal documentation to stay in South Africa. According to the guidelines (UNHCR, 1997), as soon as a minor-refugee enters the country, a representative of the Department of Home Affairs is supposed to notify social workers from the Department of Health and Social Development to assist the child further. However, all the participants stated that they were documented at present and had asylum papers, even though some of them did not necessarily fit the criteria for asylum status in South Africa. Their experiences in obtaining documentation were varied, as reflected in the following quotations:

“I have asylum papers and I got them in 2008. I was helped by another man in Messina. He took us to Home Affairs and we gave him our names and ages; other than that I don’t know what he did. He brought us affidavit from Home Affairs and we have to write them. I waited for three months in Messina. But when we went with that guy we got it within a day.” [P4]

“I was using an emergence travelling document from Zimbabwe to come South Africa. But we take it from the Home Affairs in Zimbabwe. It makes it easy to cross the borders. You can go wherever you want to go.” [P9]

“When I got to Messina I stayed on the showground because they were giving asylum at the showground.” [P10]

The placement of children in a place of safety or residential facility should be done within the prescripts of the child-care legislation. Nine (9) of the participants indicated that they had never appeared before the children’s court and had never had any contact with social workers. Only one of the participants indicated that:

“I have been in contact with a social worker when I was staying in a shelter in Cape Town. But here in Polokwane I never saw a social worker.” [P5]

The participants indicated that they were referred to the shelter by community members and media people. They mentioned that:

“I didn’t know anyone in South Africa. I was taken by another lady and she took me here. She got me in town. She saw us sitting at the robots and she asked us some questions. She was with another man.” [P4]

“I was taken by Home Affairs to a place of safety in Polokwane after I was told that I am minor and they could not assist me with my asylum papers.” [P7]

One of the participants indicated that he was taken to a place of safety by social workers from Messina, but he was not court ordered:

“The social workers in Messina took us to a Place of Safety in Polokwane, and I stayed there for six months. The social workers in the Place of Safety told me that I can no longer stay there because I was older than my age group, so they took me to Home Affairs in Messina to get my asylum papers and after that they left me there.” [P8]

The care workers confirmed that children were not legally placed in the shelter, since some of the children were placed by NGOs and community activists. The reality, therefore, was that none of the unaccompanied refugee children in the shelter were legally placed in their care with the appropriate documentation or authorisation.

Currently the children are accommodated in shelters that house South African street children and refugee children from different parts of Africa. The care workers confirmed that financial support was provided as grants for all South African residents in the shelter, but not for the refugee children who were placed in their care outside of the statutory processes. Consequently, access to social work services by unaccompanied refugee children is limited. They receive marginal social work services from non-governmental organisations, such as Childline, South Africa.

South Africa fulfils its constitutional mandate in terms of providing for education to unaccompanied refugee children, as stipulated in Section 29 of the Constitution of the Republic of South Africa Act (Act 108 of 1996), and there is compliance in terms of Article 28 of the United Nations Convention on the Rights of the Child (CRC, 1989), and Article 11 of the ACRWC (1990). But the findings of this study suggest that unaccompanied refugee children did not experience the support of South Africa, or the protective care, as stipulated in the legislation. The findings also showed that, although unaccompanied refugee children were entitled to attend school and were exempt from paying school fees, some schools insisted that all costs and any extras be covered by the children. This contributed to high drop-out rates from school for this group. Other factors that were seen as contributing factors to the high drop-out rates included the lack of personal documents, the lack of the required transportation to school and the lack of financial support, as these children were not eligible for the bursaries that were on offer because of their refugee status.

“Sometimes it is harder for us to further our education. They have to reach agreement and how to assist foreigners in continuing their studies. They should assist us in meeting some of the requirements that are needed prior to admission to tertiary institutions, such as study permits, identification and so on. As for foreign student they must devise a solution.” [P8]

“I am thinking of bursaries this year so that I can be able to go back to school. Then I will be able to go to University, but I don’t know how would I qualify since I am not a South African.” [P6]

The experiences of the participants were influenced by their engagement with and exposure to the officials who rendered different services to them in their effort to access documents, education or social service interventions. The data revealed that none of the participants went through a court process prior to their admission into the shelter. This meant that their admission was not court ordered, and therefore they would not have had access to any social worker for support.

Van der Burg (2005) states that South Africa is failing to meet its legal obligations regarding the needs of unaccompanied and refugee children. This early study is supported by the work of Van Baalen, who cautions that unaccompanied minors require special protection because of their exceptional vulnerabilities, and that the state is primarily responsible for these children in terms of socio-economic and other rights (Van Baalen, 2012). That the South African government agencies were found lacking in the execution of this responsibility is further highlighted by the findings of a study by Mboyisa (2014).

Theme 4: The lack of training of care-workers

Refugee children are often exposed to trauma, abuse and assault on their way to South Africa (Hillier, 2007; Hilton, 2007; Kennedy, 2010; Kruger & Oosthuizen, 2012:300), hence the need for specialised social work, as well as other services, in order to address the emotional needs of these children.

The findings of this research, however, showed that care workers did not have any formal training and they indicated that they used “common knowledge” to address the needs of the children. This lack of the required skills and competencies aggravated the dire circumstances of the unaccompanied refugee children. Some of the participants had committed crimes and had never received any counselling services upon their arrival in South Africa. Similarly, Raghallaigh (2013:90) found that unaccompanied minors in Ireland were cared for in residential hostels that were not approved as residential units and did not have the appropriate care staff to cater for the unaccompanied minors.

The Guidelines for unaccompanied and separated children outside their country of origin in South Africa (DSD, 2009) were developed by the National Department of Social Development (DSD), in order to provide various steps or protocols that could be used to assist unaccompanied or separated children. The guidelines from the DSD also clearly specify the roles and responsibilities of social workers in dealing with unaccompanied or separated children. Similar guidelines were developed by UNHCR (1997) for policies and procedures dealing with unaccompanied children seeking asylum.

Theme 5: Hope for a better future

This theme appeared to be the unspoken message of the unaccompanied minors, who believed that their future in South Africa would be greatly improved. However, this

unspoken theme was over-shadowed by the survival challenges of their lived experiences.

IMPLICATIONS FOR PRACTICE

Mboyisa (2014) confirms that the right to social services is guaranteed to every child, according to the Constitution of South Africa, Act 108 of 1996. This implies that all children, particularly the most vulnerable children such as unaccompanied child migrants, should realise all their rights, be properly cared for and protected. This right, therefore, entitles every child in South Africa access to education, health care services, shelter and social services (Dutschke, 2006; RSA NPAC, 2012).

The presence of unaccompanied refugee minors is a familiar reality, not only in South Africa but worldwide. As a result, the UNHCR (1997) developed guidelines on how to deal with unaccompanied children seeking asylum. The guidelines specifically address the care and protection of these children as well as durable solutions.

The Department of Social Development (2009) also initiated guidelines for unaccompanied and separated children from outside South Africa as an intervention strategy. Despite these strategies, the plight of such children remains unaddressed by the South African government, because policies and strategies are not being implemented. Another set of protocols has now been provided by the Department of Women, Children and People with Disabilities (RSA NPAC, 2012). However, these children continue to be vulnerable to all forms of abuse and exploitation while in the care of South Africa. The implications are that, if children are unaccompanied by trusted adults and are desperate for a better life, they are at greater risk of harm and of being seduced into a world of exploitation.

The findings of this study, and those of Mboyisa (2014), highlight the fact that a priority must be the implementation of collaborative initiatives to ensure the best interests of the unaccompanied minor-refugee children. A further need is that the three tiers of the state departments, as well as the NGO sectors that provide services to this vulnerable clientele group, must develop an integrated, synthesised programme to ensure that all the rights of these children are realised.

CONCLUSION

Unaccompanied minor-refugees come to South Africa with aspirations, agendas and ideals. Most of the participants indicated that they came to South Africa to seek job opportunities, but were unsuccessful. Ultimately, these children come to South Africa hoping to improve their circumstances, not only for themselves but also for their families back home. One of the outstanding aspirations that participants indicated was access to educational opportunities.

REFERENCES

ACRWC (AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD). 1989. University of Minnesota: Human Rights Library.

- BOBB, S. 2009. Unaccompanied children flee Zimbabwe in growing numbers. **VOANEWS** 12:1-2 (February).
- CHILDREN'S ACT, ACT NO. 38 OF 2005. **Government Gazette**, Vol. 492, No. 28944 (19 June 2006). Pretoria: Government Printer.
- CHILDREN'S AMENDMENT ACT, ACT NO. 41 OF 2007. **Government Gazette**, Vol. 513, No. 30884 (18 March 2008). Pretoria: Government Printers.
- CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, ACT NO. 108 OF 1996. **Government Gazette**, (18 December). Pretoria: Government Printer.
- CRISP, J. & KIRAGU, E. 2009. **Refugee protection and international migration: a review of UNHCR's role in Malawi, Mozambique and South Africa**. Evaluation Report.
- DSD (DEPARTMENT OF SOCIAL DEVELOPMENT). 2009. **Guidelines for unaccompanied and separated children outside their country of origin in South Africa**. 2009. Pretoria: Department of Social Development.
- DERLUYN, I., MELS, C. & BROEKAERT, E. 2009. Mental health problems in separated refugee adolescents. **Journal of Adolescent Health**, 44 (3):291-297.
- DUTSCHKE, M. 2007. **Rights in brief: defining Children's Constitutional Right to Social Services**. Cape Town: Children's Institute, UCT.
- ELPHICK, R. & AMIT, R. 2012. **Border justice: migration, access to justice and the experiences of unaccompanied minors and survivors of sexual and gender-based violence in Musina**. Johannesburg: African Centre for Migration and Society Research Report.
- FANTINO, A.M. & COLAK, A. 2001. Refugee children in Canada: searching for identity. **Child Welfare-New York**, 80(5):587-596.
- FRITSCH, C., JOHNSON, E. & JUSKA, A. 2010. **The plight of Zimbabwean unaccompanied refugee minors in South Africa: a call for comprehensive Legislative Action**. [Online] Available: <http://www.Law.du.edu/documents/djilp/38No4/Juska.pdf>. [Accessed: 15/09/2010].
- HILLIER, L. 2007. **Children on the move: protecting unaccompanied migrant children in South Africa and the Region**. United Kingdom: Save the Children UK.
- HILTON, L. 2007. **Contemporary slavery; sex trafficking in South Africa and suggested solutions**. [Online] Available: <http://www.africanstudies.uct.ac.za/postamble/vol3/slavery.pdf>. [Accessed: 14/01/2015].
- HOOSAIN, S. 2007. **Resilience in refugee children: a Gestalt Play Therapy approach**. Pretoria: University of South Africa. (Unpublished M.DIAC in Play Therapy thesis)
- HUSZAR, K., SIANNI, A., BARNA, M. & SOMOGYI, E. 2010. **Refugee homelessness in Hungary**. Hungary: United Nations High Commissioner for Refugees.

- KENNEDY, L.J.H. 2010. **Shrouded sins: an exploration of child sex trafficking in South Africa**. Pell Scholars & Seminal Thesis. Paper 43. [Online] Available: <http://www.scholar.salve.edu/pell//theses/43>. [Accessed: 13/01/2015].
- KING, S.M. 2013. Alone and unrepresented: a call to Congress to provide counsel for unaccompanied minors. **Harvard Journal on Legislation**, 50(2):331-384.
- KRUGER, H.B. & OOSTHUIZEN, H. 2012. South Africa – safe haven for human traffickers? Employing the arsenal of existing law to combat human trafficking. **PEL Journal**, 15(1):283-343.
- LHR/CoRMSA. 2010. **Submission to the portfolio committee on basic education on the difficulties faced by refugees, asylum seekers and other foreign migrant children in accessing education**. February 2010. [Online] Available: <http://www.lhr.org.za/policy/lhrcormsa-submission-portfolio-committee-basic-education>. [Accessed: 03/02/2014].
- MACK, N., WOODSONG, C., MacQUEEN, K.M., GUEST, G. & NAMEY, E. 2005. **Qualitative research methods: a data collector's field guide**. USA: North Carolina: Family Health International.
- MBOYISA, N.Z. 2014. **The fragmentation of social services: factors hindering the delivery of Social Services to unaccompanied child migrants in Johannesburg, South Africa**. Johannesburg: University of the Witwatersrand. (Doctoral dissertation)
- MIRUGI-MUKUNDI, G. 2009. **Realising the social security rights of children in South Africa, with particular reference to the child support grant**. Research report written for the Socio-Economic Rights Project of the Community Law Centre. [Online] Available: <http://www2.delta-search.com>. [Accessed: 08/09/2013].
- OKITIKPI, T. & AYMER, C. 2003. Social work with African refugee children and their families. **Child and Family Social Work**, 8:213-222.
- ONUOHA, E.C. 2006. **Human Rights and Refugee Protection in South Africa (1994-2004)**. Johannesburg: University of Witwatersrand. (Unpublished MA thesis)
- PITTAU, F., RICCI, A. & IDLIKO TIMSA, L. 2009. **Unaccompanied minors: quantitative aspects and reception, return and integration policies, analysis of the Italian Case for a Comparative Study at the EU level**. Report. 1-40.
- RAGHALLAIGH, M.N. 2013. The causes of mistrust amongst asylum seekers and refugees: insights from research with unaccompanied asylum-seeking minors living in the Republic of Ireland. **Journal of Refugee Studies**, 27(1):82-100.
- REFUGEES ACT, ACT NO. 130 OF 1998. **Government Gazette**, Vol. 402, No. 19544 (2 December). Pretoria: Government Printers.
- RSA NPAC. 2012. **National plan of action for children in South Africa**. Pretoria: Department of women, children and people with disabilities.

SAVE THE CHILDREN UK. 2007. **Children crossing borders: report on unaccompanied minors who have travelled to South Africa**. United Kingdom: Save the Children.

SEGLEM, K.B., OPPEDAL, B. & RAEDER, S. 2011. Predictors of depressive symptoms among resettled unaccompanied refugee minors. **Scandinavian Journal of Psychology**, 52(5):457-464.

SOUTH AFRICAN SCHOOLS ACT, ACT NO. 84 OF 1996. **Government Gazette**, Vol. 377, No. 17579 (15 November). Pretoria: Government Printer.

STURM, G., MORO, M.R. & BAUBET, T. 2012. Mental health care for unaccompanied minors in France: towards a comprehensive approach to the needs of a vulnerable minority. Inequalities in health care for migrants and ethnic minorities. **COST Series on Health and Diversity**, 2:207-220.

UNITED NATIONS. 1989. UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC). New York.

UNITED NATIONS. 1997. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR). **Guidelines on Policies and Procedures in dealing with unaccompanied children seeking asylum**. Geneva: United Nations.

UNITED NATIONS. 2015. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR). **Global Appeal Report: South Africa**. [Accessed: 02/07/2015].

VAN BAALEN, C.H. 2012. **The Rights of Refugee Children in South Africa**. Potchefstroom Campus: North-West University. (Doctoral dissertation)

VAN DER BURG, A. 2005. **An examination of the extent to which South Africa is meeting its legal obligations with regard to the protection of undocumented foreign migrant children**. Bellville: University of the Western Cape. (Unpublished LLM thesis)

VEAREY, J. & NUNEZ, L. 2011. **Report: Consortium for refugees and migrants in South Africa. Protecting refugees, asylum seekers and immigrants in South Africa during 2010**. Johannesburg: CoRMSA.

WATTERS, C. 2007. **Refugee children: towards the next horizon**. London: Routledge.

Mr Lungile Magqibelo, Postgraduate student; Ms Shiron September, Postgraduate student; Dr Marcel Londt; Prof Nicolette Roman, Department of Social Work, University of the Western Cape, Bellville, South Africa.